

SN 09/597,891
Page 13 of 28

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed February 8, 2006. In the Office Action, the Examiner notes that claims 1-44 and 49-58 are pending and rejected and claims 45-48 are withdrawn from consideration. By this response, Applicants have amended claims 1, 13-14, 18, 49 and 54. No new matter has been added. Claims 8, 30, 37 and 52 have been canceled

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 or §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Priority

The Examiner has acknowledged Applicants' claim for the benefit of prior-filed application No. 08/912,934, but finds that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date. Specifically, The Examiner asserts that claims 13, 28-30, 37 and 52 are not supported in the priority documents.

Claim 13 has been amended to include only features disclosed in the continuation patent 5,659,350. In column 31, lines 1-31, patent 5,659,350 discloses, as stated by the Examiner on page 3 of the Office Action, "programs comprising one or more of television programs, advertisements, promotionals, and interactive programs." Claims 28 and 29 have support in parent patent 5,659,350, which states that "This system, which is intended to be compatible with existing C and Ku Band satellite transmission technologies, accepts video, audio and data signals ranging in signal quality, and input from a number of sources." Claims 30, 37 and 52 have been canceled without prejudice. As amended, the present claims are disclosed in the prior application. Therefore, the claim for benefit is proper.

SN 09/597,891
Page 14 of 28

35 U.S.C. §102 Rejection of Claim 13

The Examiner has rejected claim 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,659,350 to Hendricks (Hendricks). Applicants respectfully traverse the Examiner's rejection.

Hendricks is not prior art because claim 13 as amended has all the limitation disclosed in Hendricks. Claim 13 has the priority date of at least the priority date of Hendricks. As such, Applicants submit that claim 13 is not anticipated by Hendricks and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder.

Therefore, Applicants respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §102 Rejection of Claims 14, 15, 17-19, 25-27, and 31-34

The Examiner has rejected claims 14, 15, 17-19, 25-27 and 31-34 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,446,919 to Wilkins (Wilkins). Applicants respectfully traverse the Examiner's rejection.

Applicants' independent claim 14 recites:

A method for packaging programs for delivery to one or more terminals in a network, comprising:
collecting user information for one or more users in the network;
receiving program information related to available programs;
determining a program lineup based on the collected user information and the program information;
analyzing information related to a specific cable headend to generate a cable headend specific information signal;
generating a program control information signal; and
providing the program lineup to one or more of the terminals by combining the program lineup and the cable headend specific information signal comprising cable franchise information for transmission over the network, wherein the cable headend specific information signal is integrated with the program control information signal. (emphasis added).

The Wilkins reference fails to teach at least the claimed "combining the program lineup and the cable headend specific information signal comprising cable franchise information for transmission over the network, wherein the cable headend specific information signal is integrated with the program control information signal" where the cable headend specific information signal is generated by "analyzing information related to a specific cable headend."

SN 09/597,891
Page 15 of 28

The Wilkins reference discloses a communication system capable of targeting a demographically or psychographically defined audience. A master database (20) is maintained, containing demographic and psychographic information about each audience member. This information is transmitted and stored in a channel selection/decoder (100) unit associated with each audience member's receiver. Multiple media messages are transmitted to each audience member. Accompanying the transmission is a selection profile command, which details the demographic/psychographic profile of audience members that are to receive each media message. The channel selector/decoder (100) unit associated with each member's receiver compares the selection profile with the demographic/psychographic information about the audience member and selects the appropriate media message for that audience member. Wilkins does not disclose "combining the program lineup and the cable headend specific information signal comprising cable franchise information for transmission over the network, wherein the cable headend specific information signal is integrated with the program control information signal" where the cable headend specific information signal is generated by "analyzing information related to a specific cable headend."

As such, Applicants submit that independent claim 14 is not anticipated by Wilkins and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Claims 15, 17-19, 25-27, and 31-34 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, and at least for the same reasons discussed above, such dependent claims are also not anticipated by Wilkins and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Therefore, Applicants respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §102 Rejection of Claims 49-50

The Examiner has rejected claims 49-50 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,583,560 to Florin et al. (Florin). Applicants respectfully traverse the Examiner's rejection.

Applicants' independent claim 49 recites:

SN 09/597,891
Page 16 of 28

A method for optimizing program packaging in a program delivery system, comprising:
selecting one or more programs for packaging;
determining program start times and dates;
allocating transponder space;
setting program prices;
generating a program menu;
analyzing information related to a specific cable headend in the program delivery system to generate a cable headend specific information signal;
generating a program control information signal;
packaging the programs and the program control information signal, wherein the cable headend specific information signal comprises cable franchise information is integrated with the program control information signal; and
transmitting the packaged programs and the program control information signal. (emphasis added).

The Florin reference fails to teach at least the claimed "packaging the programs and the program control information signal, wherein the cable headend specific information signal comprises cable franchise information is integrated with the program control information signal" and where the cable headend specific information signal is generated by, "analyzing information related to a specific cable headend in the program delivery system."

The Florin reference discloses an interactive audio-visual (A/V) transceiver is advantageously coupled to a television and/or telephone (T/T) cable, a TV, a video recorder (VCR), and other A/V devices. The A/V transceiver switches data between a program/service provider and the connected A/V devices. In one embodiment, the transceiver includes three primary modules, a main module including a CPU, a system bus, system memory, an infra-red (IR) control unit, an audio-visual bus, an A/V decoder, an A/V processor, and an A/V encoder, an A/V connect module including a number of tuner/demodulators and a switch, and an optional CD ROM module. The A/V transceiver hardware is complemented with an operating system and software program, which supports the functions provided in the A/V user interface. Additionally, a remote control device is provided to communicate with the A/V transceiver to interactively manage selection of program and service sources, selection program and service offerings from any selected source, viewing of selected program offerings, and

SN 09/597,891
Page 17 of 28

interaction with selected service offerings. The remote control device is advantageously provided with a basic A/V control button group, an interactive control button group, an auxiliary control button group and a numeric keypad to facilitate control of the transceiver. The interactive control button group includes an info button, a list button, a categories button, a pix button, a mark button, a jump button, and a pointing device consisting of up, down, left, and right arrow buttons, and a center select button. Florin does not disclose "packaging the programs and the program control information signal, wherein the cable headend specific information signal comprises cable franchise information is integrated with the program control information signal" where the cable headend specific information signal is generated by "analyzing information related to a specific cable headend in the program delivery system."

As such, Applicants submit that independent claim 49 is not anticipated by Florin and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Claim 50 depends directly from independent claim 59 and recites additional limitations thereof. As such, and at least for the same reasons discussed above, dependent claim 50 is also not anticipated by Florin and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder.

Therefore, Applicants respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 1, 2, 8, 12, and 13

The Examiner has rejected claims 1, 2, 8, 12, and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,099,319 to Esch et al. (Esch) in view of U.S. Patent 5,446,919 to Wilkins (Wilkins). Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. The Esch and Wilkins references, alone or in any operable combination, fail to teach or suggest Applicants' invention as a whole.

Applicants' independent claim 1 recites:

An apparatus for packaging programs in a television program delivery system, wherein the television program delivery system includes a cable television system, comprising:

SN 09/597,891
Page 18 of 28

a central processor unit (CPU), the CPU comprising program instructions for packaging programs for delivery using the television program delivery system and combining a cable headend specific information signal and the packaged program for transmission over the television program delivery system;

a program storage database coupled to the CPU, wherein the programs are stored for packaging;

a viewer information database coupled to the CPU, wherein viewer information is stored;

an external program source coupled to the CPU, wherein external programs are received at the apparatus;

a delivery control processor unit (DCPU) coupled to the CPU, wherein the program control information signal is generated; and

a cable franchise information access module (CFIA), the CFIA, comprising:

a headend information module that analyzes information related to one or more specific cable headends, the information including one of a number of terminals connected to the cable headend, grouping of terminals, terminal configurations, and cable headend equipment; and
a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal.

The Esch and Wilkins references alone or in combination fail to teach or suggest at least "a cable franchise information access module (CFIA), the CFIA, comprising: a headend information module that analyzes information related to one or more specific cable headends, the information including one of a number of terminals connected to the cable headend, grouping of terminals, terminal configurations, and cable headend equipment; and a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal" and "combining a cable headend specific information signal and the packaged program for transmission over the television program delivery system" as recited in independent claim 1.

The Esch reference discloses an apparatus having a central site and a remote site for customizing advertising for television using a video signal comprising a communications channel, studio processor, scheduling processor, network processor, transmitter, communications processor, video processor, a matrix switch, cue

SN 09/597,891
Page 19 of 28

processor, and matrix-switch processor. The studio processor generates a plurality of content data signals. The content data signals may include text signals, phototext signals, and/or digital audio signals. The scheduling processor generates a schedule data signal, which includes a unique identifier, accounting, administrative and scheduling data. The network processor generates a communications signal which comprises the plurality of content data signals and the schedule data signals formatted with the video signal. The transmitter transmits the communications signal over the communications channel. At the remote site the communications processor receives the communications signal and selects a first content data signal from the plurality of content data signals. The video processor mixes the first content data signal with the video signal. The cue processor is coupled to network feed channels through a matrix switch. In response to detecting network-cue signals, the cue processor generates insertion signals. In response to the insertion-cue signals, a matrix processor controls the matrix switch and routing of the video signal, the first content data signal and a synchronization signal to a network communications channel.

Nowhere in the Esch reference is there any teaching or suggestion of Applicants' claimed "a cable franchise information access module (CFIA), the CFIA, comprising: a headend information module that analyzes information related to one or more specific cable headends, the information including one of a number of terminals connected to the cable headend, grouping of terminals, terminal configurations, and cable headend equipment; and a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal" and "combining a cable headend specific information signal and the packaged program for transmission over the television program delivery system."

Furthermore, the Wilkins reference does not bridge the substantial gap between the Esch reference and Applicants' invention. Nowhere in the Wilkins reference is there any teaching or suggestion of Applicants' claimed "a cable franchise information access module (CFIA), the CFIA, comprising: a headend information module that analyzes information related to one or more specific cable headends, the information including one of a number of terminals connected to the cable headend, grouping of terminals,

SN 09/597,891
Page 20 of 28

terminal configurations, and cable headend equipment; and a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal" and "combining a cable headend specific information signal and the packaged program for transmission over the television program delivery system."

Even if the two references could somehow be operably combined, which Applicants do not hereby concede is possible or that there is the proper motivation to do so, the combined references do not teach or suggest "a cable franchise information access module (CFIA), the CFIA, comprising: a headend information module that analyzes information related to one or more specific cable headends, the information including one of a number of terminals connected to the cable headend, grouping of terminals, terminal configurations, and cable headend equipment; and a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal" and "combining a cable headend specific information signal and the packaged program for transmission over the television program delivery system."

As such, Applicants submit that independent claim 1 and dependent claims 2, 8, 12, and 13 which depend, directly or indirectly, from independent claim 1, are patentable under 35 U.S.C. §103(a) over Esch in view of Wilkins.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 3

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Esch and Wilkins in view of U.S. Patent 5,223,924 to Strubbe. Applicants respectfully traverse the rejection.

Claim 3 depends directly from independent claim 1 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch and Wilkins references fail to teach or suggest Applicants' invention as recited in claim 1. Strubbe also does not teach "a cable franchise information access module (CFIA), the

SN 09/597,891
Page 21 of 28

CFIA, comprising: a headend information module that analyzes information related to one or more specific cable headends, the information including one of a number of terminals connected to the cable headend, grouping of terminals, terminal configurations, and cable headend equipment; and a cable franchise control signal generator that generates cable headend specific information signal, wherein the cable headend specific information signal comprises cable franchise information and is integrated with the program control information signal" and "combining a cable headend specific information signal and the packaged program for transmission over the television program delivery system." Accordingly, the combination of the Esch and Wilkins references with Strubbe does not teach or suggest the independent claim. As such, Applicants submit that dependent claim 3 is non-obvious and is patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 4-7

The Examiner has rejected claims 4-7 under 35 U.S.C. §103(a) as being unpatentable over Esch, Wilkins, and Strubbe in view of U.S. Patent 5,351,075 to Herz. Applicants respectfully traverse the rejection.

Claims 4-7 depend indirectly from independent claim 1 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch, Wilkins, and Strubbe references fail to teach or suggest Applicants' invention as recited in claim 1. Herz does not teach or suggest the missing limitations as stated above. Accordingly, the combination of the Esch, Wilkins and Strubbe references with Herz, in a rejection of dependent claims, would still result in a gap in the combined teachings in regards to the independent claim. As such, Applicants submit that dependent claims 4-7 are non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 9

SN 09/597,891
Page 22 of 28

The Examiner has rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Esch and Wilkins in view of Florin. Applicants respectfully traverse the rejection.

Claim 9 depends directly from independent claim 1 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch and Wilkins references fail to teach or suggest Applicants' invention as recited in claim 1. Florin does not teach or suggest the missing limitations. Accordingly, any attempted combination of the Esch and Wilkins references with Florin, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 9 is non-obvious and is patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 10 and 11

The Examiner has rejected claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Esch and Wilkins in view of Herz. Applicants respectfully traverse the rejection.

Claims 10 and 11 depend directly from independent claim 1 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Esch and Wilkins references fail to teach or suggest Applicants' invention as recited in claim 1. Herz does not teach or suggest the missing limitations as stated above. Accordingly, any attempted combination of the Esch and Wilkins references with Herz, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 10 and 11 are non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 28-30, 37, and 52

The Examiner has rejected claims 28-30, 37, and 52 under 35 U.S.C. §103(a) as being unpatentable over Hendricks. Applicants respectfully traverse the rejection.

SN 09/597,891
Page 23 of 28

Claims 30, 37 and 52 have been canceled. Claims 28-29 claims priority from Hendricks. Hendricks is not prior art as explained above. Thus, for at least this reason, the rejection of claims 28-29 is improper.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 16, 24, 35, 36, and 38-40

The Examiner has rejected claims 16, 24, 35, 36, and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Wilkins in view of Florin. Applicants respectfully traverse the rejection.

For at least the reasons discussed above, the Wilkins reference fails to teach or suggest Applicants' invention recited in claim 1 as a whole. Independent claim 14 recites similar relevant limitations as recited in independent claim 1 and, therefore, for at least the same reasons discussed above, Wilkins fails to teach or suggest the invention recited in independent claim 14 as a whole. Claims 16, 24, 35, 36, and 38-40 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, for at least the same reasons, dependent claims 16, 24, 35, 36, and 38-40 are non-obvious and patentable over Wilkins. Florin does not teach or suggest the missing limitations.

Accordingly, any attempted combination of the Wilkins references with Florin, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 16, 24, 35, 36, and 38-40 are non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 20 and 21

The Examiner has rejected claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Wilkins in view of Strubbe.

For at least the reasons discussed above, the Wilkins reference fails to teach or suggest Applicants' invention recited in claim 1 as a whole. Claims 20 and 21 depend directly or indirectly from independent claim 1 and recite additional limitations thereof.

SN 09/597,891
Page 24 of 28

As such, for at least the same reasons, dependent claims 20 and 21 are non-obvious and patentable over Wilkins. Strubbe does not teach or suggest the missing limitations as stated above.

Accordingly, any attempted combination of the Wilkins reference with Strubbe, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 20 and 21 are non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 22

The Examiner has rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Wilkins and Strubbe in view of Herz.

For at least the reasons discussed above in response to the Examiner's rejection of independent claims 20 and 21, dependent claim 22 is non-obvious and patentable over Wilkins and Strubbe. Herz does not teach or suggest the missing limitations as described above.

Accordingly, any attempted combination of the Wilkins and Strubbe references with Herz, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 22 is non-obvious and is patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 23

The Examiner has rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Wilkins and Strubbe in view of U.S. Patent 5,027,400 to Baji et al. (Baji).

For at least the reasons discussed above in response to the Examiner's rejection of independent claims 20 and 21, dependent claim 23 is non-obvious and patentable over Wilkins and Strubbe. Baji does not teach or suggest the missing limitations stated above.

SN 09/597,891
Page 25 of 28

Accordingly, any attempted combination of the Wilkins and Strubbe references with Baji, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 23 is non-obvious and is patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 41-44

The Examiner has rejected claims 41-44 under 35 U.S.C. §103(a) as being unpatentable over Wilkins in view of Herz. Applicants respectfully traverse the rejection.

For at least the reasons discussed above, the Wilkins reference fails to teach or suggest Applicants' invention recited in claim 14 as a whole. Claims 41-44 depend directly or indirectly from independent claim 14 and recite additional limitations thereof. As such, for at least the same reasons, dependent claims 41-44 are non-obvious and patentable over Wilkins. Herz does not teach or suggest the missing limitations as stated above.

Accordingly, any attempted combination of the Wilkins references with Herz, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 41-44 are non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 51

The Examiner has rejected claim 51 as being unpatentable over Florin. Applicants respectfully traverse the rejection.

Claim 51 depends directly from independent claim 49 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Florin reference fails to teach or suggest Applicants' invention as recited in claim 49 as a whole. As such, Applicants submit that dependent claim 51 is non-obvious and is patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

SN 09/597,891
Page 26 of 28

35 U.S.C. §103 Rejection of Claim 53

The Examiner has rejected claim 53 as being unpatentable over Florin in view of U.S. Patent 5,557,316 to Hoarty et al. (Hoarty). Applicants respectfully traverse the rejection.

Claim 53 depends directly from independent claim 49 and recites additional limitations thereof. Moreover, for at least the reasons discussed above, the Florin reference fails to teach or suggest Applicants' invention as recited in claim 49 as a whole.

Moreover, Hoarty was filed on September 29, 1994. That date is after the priority date of the present application. Therefore, Hoarty is not prior art. Hoarty is a divisional application of Ser. No. 56,958 filed May 3, 1993. If the Examiner is referring to that application, Applicants request the citation of 56,958 filed May 3, 1993 in order to determine what the prior art of May 3, 1993 actually disclosed.

Accordingly, the Florin reference, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 53 is non-obvious and is patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 54

The Examiner has rejected claim 54 under 35 U.S.C. §103(a) as being unpatentable over Florin in view of Wilkins and Baji. Applicants respectfully traverse the Examiner's rejection.

Independent claim 54 recites similar relevant limitations as recited in independent claim 49. For at least the reasons discussed above with respect to the Examiner's rejection of independent claim 49, Florin fails to teach or suggest Applicants' invention recited in independent claim 54 as a whole. Furthermore, the Wilkins and Baji references fail to bridge the substantial gap between Florin and Applicant's invention. In particular, the Wilkins and Baji references, singly or in combination, also fail to teach or suggest at least Applicants' claimed "analyzing information related to a specific cable headend in the program delivery system to generate a cable headend specific

SN 09/597,891
Page 27 of 28

information signal; and generating a program control information signal based on the combined programs, wherein the cable headend specific information signal comprises cable franchise information is integrated with the program control information signal."

As such, Applicants submit that independent claim 54 is non-obvious and patentable over Florin, Wilkins and Baji.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 55

The Examiner has rejected claim 55 under 35 U.S.C. §103(a) as being unpatentable over Florin, Wilkins and Baji in view of Hoarty. Applicants respectfully traverse the rejection.

For at least the reasons discussed above in response to the Examiner's rejection of independent claim 54, dependent claim 55 is non-obvious and patentable over Florin, Wilkins and Baji.

Moreover, Hoarty was filed on September 29, 1994. That date is after the priority date of the present application. Therefore, Hoarty is not prior art. Hoarty is a divisional application of Ser. No. 56,958 filed May 3, 1993. If the Examiner is referring to that application, Applicants request the citation of 56,958 filed May 3, 1993 in order to determine what the prior art of May 3, 1993 actually disclosed.

Accordingly, any attempted combination of the Florin, Wilkins and Baji references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 55 is non-obvious and is patentable under 35 U.S.C. §103.

Official Notices

The Office Action takes numerous Official Notices. Applicants hereby traverse each Official Notice. The Examiner alleges that certain apparatuses and/or methods are well known in the art. However, the Applicants respectfully disagree. These apparatuses and/or methods may not be well known within the specific art of the present invention and as specifically recited in their respective claims. Furthermore, it may not be well known to combine the allegedly well-known apparatuses and/or methods with other apparatuses and/or methods recited in the respective claims or in

SN 09/597,891
Page 28 of 28

other claims from which the respective claims may depend. Applicant request references for features such as interactively selecting programs for delivery, assigning run time, checking conflicts, adding events and services to menu, using an ISP, interactive services, purchase information, static programs and live programs, live source feed, etc. be provided in order to determine the validity of the rejection.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are patentable under the provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh, at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 6/8/06

EJ Wall
Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808